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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

PATRICK KENNY, an Arizona resident, JUSTIN SHARP, a California resident, JEREMY FEITELSON, an Iowa resident, and GREG FEITELSON, a Kentucky resident, on behalf of themselves and all others similarly situated, Plaintiffs, v. CARRIER IQ, a Delaware corporation; HTC CORPORATION, a Taiwanese company; HTC AMERICA, INC., a Washington corporation; and SAMSUNG ELECTRONICS CO., LTD., a Korean company, Defendants.	Case No.: 11-CV-05774-EJD **STIPULATION RE CONTINUANCE OF TIME FOR DEFENDANT TO RESPOND TO COMPLAINT AND [PROPOSED] ORDER EXTENDING TIME TO RESPOND TO COMPLAINT**

WHEREAS the above-referenced plaintiffs filed the above-captioned case;

WHEREAS the above-referenced plaintiffs allege violations of the Federal Wiretap Act and other laws by the defendants in this case;

WHEREAS over 50 other complaints have been filed to-date in federal district courts throughout the United States by plaintiffs purporting to bring class actions on behalf of cellular telephone and other device users on whose devices software made by defendant Carrier IQ, Inc. is or has been embedded (collectively, including the above-captioned matter, the "CIQ cases");

WHEREAS, a motion is pending before the Judicial Panel on Multidistrict Litigation to transfer the CIQ cases to this jurisdiction for coordinated and consolidated pretrial proceedings pursuant to 28 U.S.C. Sec. 1407, responses to the motion supporting coordination or consolidation have been filed, and plaintiffs and defendants anticipate that additional responses will be filed;

WHEREAS plaintiffs anticipate the possibility of one or more consolidated amended complaints in the CIQ cases;

WHEREAS plaintiffs and defendant Carrier IQ have agreed that an orderly schedule for any response to the pleadings in the CIQ cases would be more efficient for the parties and for the Court;

WHEREAS plaintiffs agree that the deadline for defendant Carrier IQ to answer, move, or otherwise respond to their complaint shall be extended until the earliest of the following dates: (1) forty-five days after the filing of a consolidated amended complaint in the CIQ cases; or (2) forty-five days after plaintiffs provide written notice to defendants that plaintiffs do not intend to file a consolidated amended complaint; or (3) as otherwise ordered by this Court or the MDL transferee court; *provided*, however, that in the event that Carrier IQ should agree to an earlier response date in any of these cases, Carrier IQ will respond to the complaint in the above-captioned action on that earlier date;

WHEREAS plaintiffs further agree that this extension is available, without further stipulation with counsel for plaintiffs, to all named defendants who notify plaintiffs in writing of their intention to join this Stipulation;

WHEREAS this Stipulation does not constitute a waiver by Carrier IQ of any defense, including but not limited to the defenses of lack of personal jurisdiction, subject matter jurisdiction, improper venue, sufficiency of process or service of process;

WHEREAS, with respect to any defendant joining the Stipulation, this Stipulation does not constitute a waiver of any defense, including but not limited to the defenses of lack of personal jurisdiction, subject matter jurisdiction, improper venue, sufficiency of process, or service of process; and

WHEREAS, plaintiffs and defendant Carrier IQ, as well as any defendant joining this Stipulation, agree that preservation of evidence in the CIQ cases is vital, that defendants have received litigation hold letters, that they are complying with and will continue to comply with all of their evidence preservation obligations under governing law, and that that the delay brought about by this Stipulation should not result in the loss of any evidence,

Now, therefore, pursuant to Civil Local Rule 7-12, plaintiffs in the above-referenced case and defendant Carrier IQ, by and through their respective counsel of record, hereby stipulate as follows:

1. The deadline for Carrier IQ to answer, move, or otherwise respond to plaintiffs' complaint shall be extended until the earliest of the following dates: forty-five days after the filing of a consolidated amended complaint in these cases; or forty-five days after plaintiffs provide written notice to defendant Carrier IQ that plaintiffs do not intend to file a Consolidated Amended Complaint; or as otherwise ordered by this Court or the MDL transferee court; *provided*, however, that in the event that Carrier IQ should agree to an earlier response date in any of these cases, except by court order, Carrier IQ will respond to the complaint in the above-captioned case on that earlier date.

2. This extension is available, without further stipulation with counsel for plaintiffs, to all named defendants who notify plaintiffs in writing of their intention to join this Stipulation;

3. This Stipulation does not constitute a waiver by Carrier IQ or any other named defendant joining the Stipulation of any defense, including but not limited to the defenses of lack of personal jurisdiction, subject matter jurisdiction, improper venue, sufficiency of process, or service of process.

4. As a condition of entry into this Stipulation, defendant Carrier IQ and any other defendant(s) joining this Stipulation, and the plaintiffs, agree that they are complying with and will continue to comply with all evidentiary preservation obligations under governing law.

IT IS SO STIPULATED.

DATED: December 19, 2011 HAGENS BERMAN SOBOL SHAPIRO LLP

By /s/ Robert Lopez

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~~[PROPOSED]~~ ORDER

Pursuant to stipulation, it is SO ORDERED.

Dated: December 21, 2011

Honorable Edward J. Davila
United States District Judge

CERTIFICATION

I, Tyler G. Newby, am the ECF User whose identification and password are being used to file this **STIPULATION AND [PROPOSED] ORDER RE: CONTINUANCE OF TIME FOR DEFENDANT TO RESPOND TO COMPLAINT.** In compliance with General Order 45.X.B, I hereby attest that Robert Lopez has concurred in this filing.

DATED: December 19, 2011

By /s/ Tyler G. Newby

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